

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Raymond A. Parson, Jr.,

Civil No. 12-646 (DWF/DJF)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Sharyn L. Barney,

Defendant.

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Dulce J. Foster dated March 25, 2024. (Doc. No. 55.) No objections have been filed to the Report and Recommendation in the time period permitted.

The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. The Magistrate Judge recommended granting Barney's motion to dismiss the third amended complaint and dismissing the action with prejudice because the statute of limitations on Parson's claim against Barney has run and "neither equitable tolling nor relation back applies." (Doc. No. 55 at 10.) Upon review, the Court finds no clear error. *See* Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). Based upon the Report and

Recommendation of the Magistrate Judge and upon all the files, records, and proceedings herein, the Court now enters the following:

ORDER

1. Magistrate Judge Dulce J. Foster's March 25, 2024 Report and Recommendation (Doc. No. [55]) is **ADOPTED**.
 2. Defendant Sharyn L. Barney's Motion to Dismiss Third Amended Complaint (Doc. No. [42]) is **GRANTED**.
 3. This action is **DISMISSED WITH PREJUDICE**.
- LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: April 19, 2024

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge